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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,041	03/02/2000	Dean F Jerding		4646

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SCIENTIFIC-ATLANTA, INC.  
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LAWRENCEVILLE, GA 30044

EXAMINER
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DEMICCO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/518,041

Applicant(s)

JERDING ET AL.

Examiner

Matthew R Demicco

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 68-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 68-78 is/are rejected.
- 7) ☒ Claim(s) 68 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to a Request for Continued Examination filed 1/24/2005.  
Claims 1-18 and 68-78 are pending. Claims 1-18 are amended. Claims 19-67 are canceled.  
Claims 68-78 are new.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 68 is objected to because of the following informalities: "wherein the processor further configured" should be corrected to read --wherein the processor **is** further configured--.  
Further, Applicant discloses a processor that is "configured to receive a second input corresponding to a user-selected initial guide arrangement **until** enabling user navigation in the initiated display session..." It is unclear to the Examiner as to what Applicant is trying to claim. The Examiner requests that Applicant clarify the wording in order to better define the invention. For purposes of examination, the claim will be interpreted based on Claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 and 68-78 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,266,814 to Lemmons et al.

Regarding Claim 1, Lemmons discloses a television set-top terminal (See Figure 1, 70) for enabling a user to navigate to an individual television service (Col. 6, Lines 1-6), the STT coupled to a programmable television services server device (See Figure 1, 54), said STT comprising: memory for storing data (See Figure 2, 76) and an interactive program guide (See Figure 4) contained in said memory (Col. 7, Lines 28-39) for displaying program information received by said STT from said server device (Col. 6, Lines 58-60). Further disclosed is that the program information corresponds to a plurality of current and future programs (See Figure 3 and Col. 7, Lines 39-41). Lemmons also discloses a plurality of guide arrangements corresponding to respective display-orderings of the program information (Col. 10, Lines 8-24, Col. 14, Lines 11-50 and Col. 15, Lines 10-40), each arrangement ordering display program information based on at least one program parameter, such as theme, time, channel, or alphabetically by name. This reads on the claimed ordering of the program information in each guide arrangement being different than the other guide arrangements. Further disclosed is a processor (74)

configured to display simultaneously in each guide arrangement (See Figure 3) only programs that adhere to the search selection criteria and sort attributes selected by the user (Col. 13, Lines 37-59). Further, only a specific time period is displayed and a user may scroll in the EPG to display other time periods (Col. 10, Lines 48-51). This reads on the claimed displaying only a respective portion of the corresponding ordered program information. Further disclosed is configuration information contained in memory, comprising a plurality of respective initial guide arrangements (user-defined) corresponding to the plurality of arrangements (Col. 14, Lines 22-25). Search and sort selection criteria are saved and applied to the EPG (Col. 14, Lines 44-50 and Col. 15, Lines 18-19). This reads on the claimed selection indication that denotes one of the plurality of initial guide arrangements (selection criteria) as the selected one. The selection criteria are automatically applied to the program schedule to present a listing of program schedule information meeting the selection criteria as stated above. This reads on the claimed initial respective portion of the corresponding ordered program information in the initial guide arrangement (EPG listings displayed to the user) being configured according to a user selection (selection criteria). Lemmons further discloses that upon invocation of the EPG (Col. 9, Lines 19-20), the system determines if the user has specified a selection criteria and displays schedule listings automatically that match (Col. 24, Lines 40-49). This reads on the claimed processor being further configured to cause the STT to initially display the program information according to the selected guide arrangement (selection criteria) and the initial respective portion of the corresponding ordered program information (time window as stated above). The processor is responsive

to a first user input corresponding to an initiation of a display session of the EPG (Col. 9, Lines 19-20 and Col. 23, Lines 40-44) and the configuration information as stated above.

Regarding Claim 2, Lemmons discloses a system as stated above in Claim 1, wherein a first portion of the ordered program information displayed at a first time of displaying the selected initial guide arrangement (See Figure 6) corresponds to programs accessible at the first time (currently airing).

Regarding Claim 3, Lemmons discloses a system as stated above in Claim 2, wherein a second portion of the ordered program information displayed at the first time of displaying the selected initial guide arrangement (See Figure 6) corresponds to programs exclusively accessible at a future time from the first time (programs airing later).

Regarding Claim 4, Lemmons discloses a system as stated above in Claim 1, wherein programming may be displayed only if it matches a specific criteria (movie, drama, action, sci-fi, comedy, etc.) as stated above. This reads on the claimed ordered program information displayed at the time of displaying the selected initial guide arrangement corresponds exclusively to a first type of programming.

Regarding Claim 5, Lemmons discloses a system as stated above in Claim 2, wherein the user is operable to specify their search criteria in a previous display mode and then instantiate the EPG screen (Col. 23, Lines 40-44) which will display the selected search as stated above. This reads on the claimed initial respective portion of the corresponding ordered program information in the selected initial guide arrangement is

according to a user selection in a previous display session of the interactive program guide (search/selection session of the EPG).

Regarding Claim 6, Lemmons discloses a system as stated above in Claim 1, wherein the user is operable to select a search criteria (selected initial guide arrangement) in a display mode prior to calling up the EPG as stated above in Claim 5. This reads on the claimed selected initial guide arrangement corresponding to the guide arrangement in the last displayed session of the interactive program guide.

Regarding Claim 7, Lemmons discloses a system as stated above in Claim 4, wherein the ordered program information is according to the respective start times and channel numbers of the corresponding programs (See Figure 3).

Regarding Claim 8, Lemmons discloses a system as stated above in Claim 7, wherein the first type of programming corresponds to movies (Col. 14, Line 26).

Regarding Claim 9, Lemmons discloses a system as stated above in Claim 1, wherein the ordering of the program information is according to the respective channel numbers providing the programs (See Figure 3).

Regarding Claim 10, Lemmons discloses a system as stated above in Claim 9, wherein the processor is further responsive to a subsequent user input (Col. 13, Lines 25-28) to overlay a list on a portion of the selected initial guide arrangement corresponding to a visual ordering of at least one respective program parameter (See Figure 7), the list comprising at least one of the plurality of initial guide arrangements (208, 210, 212), wherein the processor provides a selectable option for the at least one of the plurality of initial guide arrangements (Col. 13, Lines 28-31).

Regarding Claim 11, Lemmons discloses a system as stated above in Claim 1, wherein the ordering of program information is according to the respective start time of the programs (See Figure 3).

Regarding Claim 12, Lemmons discloses a system as stated above in Claim 11, wherein the ordering of program information is according to the respective theme of corresponding programs (movie, drama, action, sci-fi, comedy, etc. – Col. 14, Lines 25-28).

Regarding Claim 13, Lemmons discloses a system as stated above in Claim 11, wherein the ordering of the program information is according to the title of corresponding programs (alphabetically - Col. 15, Line 28).

Regarding Claim 14, Lemmons discloses a system as stated above in Claim 8, wherein the first portion of the ordered program information displayed corresponds to purchasable movies (Pay Per View – Col. 14, Lines 25-28).

Regarding Claim 15, Lemmons discloses a system as stated above in Claim 1, wherein the ordering of program information corresponds to a two-dimensional ordering based on at least two program parameters (time and channel, See Figure 3).

Regarding Claim 16, Lemmons discloses a system as stated above in Claim 1, wherein a default guide arrangement is provided (Col. 14, Lines 28-43) but, as stated above, a user may define their own selection criteria. This reads on the claimed initial respective portion of the corresponding ordered program information arrangement configured according to the user selection in the selected initial guide is different than a default initial portion of the arrangement.



Regarding Claim 17, Lemmons discloses a system as stated above in Claim 16, wherein the configuration information contained in the memory includes stored user preferences as stated above. Lemmons further discloses that EPG data is received from the server and stored as stated above. This reads on the claimed configuration information contained in memory being different than the interactive program guide contained in the memory.

Regarding Claim 18, Lemmons discloses a system as stated above in Claim 17, wherein upon user invocation of the program guide, a series of tests are performed to determine how the control unit will present the schedule information (Col. 23, Lines 45-52). This reads on the claimed STT that, responsive to the first user input (pressing the Guide button), initiates a configuration module different than the interactive program guide (series of tests) prior to initiating the interactive program guide (presenting the schedule information).

Regarding Claim 68, see Claim 1 above. Lemmons further discloses that the terminal's processor is operable to provide a user option to select one of the plurality of initial guide arrangements as stated above. Further disclosed is that the processor is responsive to a first user input (pressing the Guide button) corresponding to an initiation of a display session of the interactive program guide. The processor is further configured to receive a second input (viewer selection criteria) which corresponds to a user-selected initial guide arrangement, enabling user navigation in the initiated display session of the interactive program guide (Col. 14, Lines 44-64).

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Regarding Claims 69 and 70, Lemmons discloses a system as stated above in Claim 68, wherein responsive to receiving the second user input, the processor causes the STT to display ordered program information in the user-selected initial guide arrangement (Col. 14, Lines 44-64).

Regarding Claim 71, see Claim 7 above.

Regarding Claim 72, see Claim 9 above.

Regarding Claims 73-75, see Claims 11-13 above, respectively.

Regarding Claim 76, see Claim 4 above.

Regarding Claim 77, see Claim 8 above.

Regarding Claim 78, see Claim 14 above.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (571) 272-7293. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mrd*

mrd

April 7, 2005

*Haltran*  
**HALTRAN**  
**PRIMARY EXAMINER**